



Report to Planning & Zoning Commission

Clay County, Missouri

Case Number June 15-117 RZ/P

Case Type Rezoning & Preliminary Plat

Project Name Mandi Acres

Applicant/Owner Russell Frick
15215 Francis Road
Kearney, MO 64060

Request **Rezoning** from Agricultural (AG) to Residential Ranchette (R-5) District with an Agricultural Land Preservation (ALP) Preservation Overlay District (POD)

AND

Preliminary Plat approval of Mandi Acres

Application Submittal 2015-05-05

Public Notice Published 2015-05-14

Neighbor Letters Sent 2015-05-15

Report Date 2015-05-27

REPORT AUTHOR(S) Debbie Viviano, Planner
Matt Tapp, Director

Recommendation APPROVAL with conditions



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General Information

Site Location: approximately 15215 Francis Road
Section 26 | Township 53 | Range 32

Site Size: 6.06± Acres

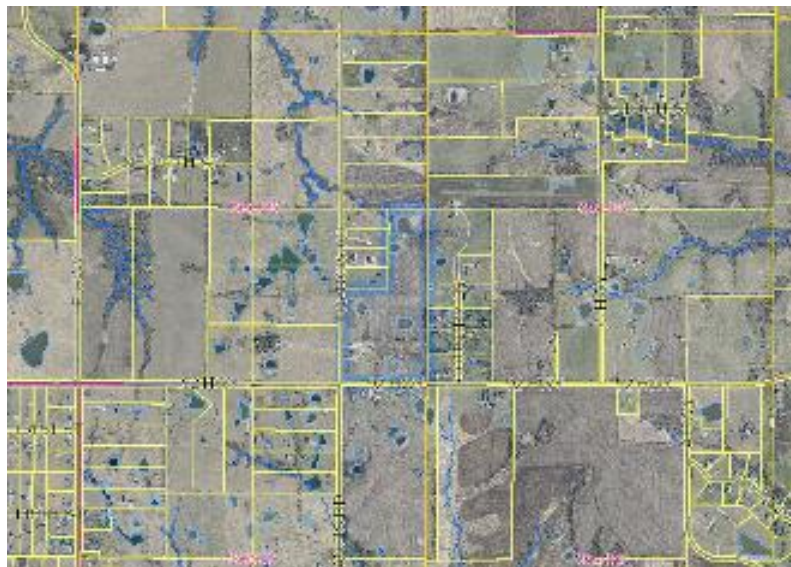
Existing Landuse & Zoning: Agricultural (AG)

Zoning/Platting History: None

Surrounding Landuse & Zoning:

- North – CCC Estates (R-1A), Frick Estates (R-1) & Agricultural (AG) zoned land
- East – Craig Acres (R-1), Piburn Estates (R-1A & AG), Agricultural (AG) zoned land
- South – 92 Highway, (R-1), Cambridge Estates (R-1A), Agricultural (AG) zoned land
- West – Agricultural (AG) zoned land, Strange Acres (R-1)

Current Conditions:



Courtesy Clay County Assessor,
GIS/Mapping



Courtesy Microsoft® Bing™



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Assessment

Russell Frick is requesting **Rezoning** approval from Agricultural (AG) district to Residential Ranchette (R-5) District for approximately 6 acres with an Agricultural Land Preservation (ALP) Preservation Overlay District (POD), as well as **Preliminary Plat** approval for Mandi Acres located at approximately 15215 Francis Road.

Mr. Frick wishes to split this parcel off to allow his Son to live closer to the rest of the family.

2008 Comprehensive Plan Considerations

The Comprehensive Plan ("Plan") indicates that the subject property is located in the **URBAN SERVICES TIER**, the Urban Services Transition Sub-Tier and the **HIGHWAY CORRIDOR OVERLAY DISTRICT**.

The following tables illustrate two (2) of the most pertinent policies shaped by the Plan. The first (1st) table shows the land use tiers and corresponding guidelines, and the second (2nd) explains the exceptions to the 20-acre minimum lot size policy as directed by the Plan.

Table 4.2 - Land Use Planning Tiers - Presented on the Planning Tier Map			
	Natural Resources Tier* (Yellow)	Rural Low-Density Tier* (Green)	Urban Services Tier* (Salmon)
Intent	Support continued agricultural uses in areas beyond near- and long-term urban service extensions.	To accommodate low density rural uses in areas located beyond anticipated city annexation areas.	To promote urban development compatible with the long range growth plans of adjoining cities.
Primary Uses	Agricultural-related uses, natural resources	Agricultural crop lands, livestock grazing, woodlands, grasslands, rural residences	Urban density residential and non-residential
Residential Uses	Rural Density: 1 dwelling unit per 20+ acres.	Rural Density; Rural Residential Density: low-density rural residential development: 1-dwelling unit per 20+ acres, or 1-farmstead dwelling on 5+ acres; Suburban Density: moderate-density development on municipal-level services: up to 4-units per acre.	Suburban Density: moderate-density development on municipal-level services: up to 4-units per acre. Urban Density: development on municipal-level services: greater than 4-units per acre. 20-acre minimum for agricultural and rural residential uses until such time as urban development occurs.
Non-Residential Uses	Farm service related, recreation	Farm service related, recreation	Recreation, limited commercial and industrial consistent with the long range growth plans of adjoining cities.
Minimum Sanitary Sewer Provisions	On-site septic, Community Wastewater Facility if indicated by LESA guidance.	On-site septic, Community Wastewater Facility if indicated by LESA guidance.	Municipal Wastewater Treatment Plant connection for Suburban Density or greater. ⁽³⁾
Zoning Districts	Ag-related zoning districts; Open Space & Parks; non-agricultural zoning if on strict standards (not including Res. Low Density, such as on 3-acre lots).	Ag-related zoning districts; Open Space & Parks; non-agricultural zoning if on strict standards (not including Res. Low Density such as on 3-acre lots).	Open Space & Parks; and residential districts through general industrial (not including Res. Low Density such as on 3-acre lots). AG, Agricultural zoning is appropriate until full range of urban services available.

⁽³⁾ On-site septic allowed for agricultural uses only.

* The **Planning Tier Map** notes a special designation of areas within one mile of each city: "1-Mile Urban Coordination Sub-Tier" where advise-and-consent should be solicited from the designated city. The applicant will be required to submit a letter from the city of jurisdiction concerning the proposal. The Clay County Planning and Zoning Commission may consider the letter as a non binding city recommendation for Clay County to consider in their deliberations.



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Table 4.3 – Option B for Land Use Tier Implementation: Transition Policy Procedures			
	Natural Resources Tier* (Yellow)	Rural Low-Density Tier (Green)	Urban Services Tier (Salmon)
Intent	Exceptions from 20-acre minimum lot size in Ag-districts / phasing in of new regulations		
Density Exceptions for Legal Lots of Record as of the date of Revision of the Land Development Code	Subdivision of land to 5+acre lots, provided that 50% of the subdivided parcel is preserved, such as in an agriculture deed restriction.	Or, subdivision of land to 10+acre lots, provided that a "shadow plat" at urban density is approved.	Subdivision of land to 10+acre lots, provided that a "shadow plat" at urban density is approved, and—for plats within one mile of a city—the city's issues have been addressed.
Other Exceptions	Farmstead** dwellings allowed on 5+acre parcels.		City within one mile may review and recommend other exceptions granted in other tiers, provided a "shadow plat" at urban density is approved.

* The Natural Resources Tier includes an "Urban Services Transition Sub-Tier" area along M-92 and C-Highways that extends where urban development is influenced by the urban highway; yet remains within the Natural Resources Tier designation for purposes of enhanced environmental review and scrutiny.

** A "Farmstead Dwelling" is the original residence built and initially occupied by a farm family, regardless of whether the current household occupant is associated with farming.

The subject request meets the spirit and jest of the 2008 Comprehensive Plan due to the proposed ALP POD area.

Character of the General Neighborhood

Agricultural (AG) zoned property and R-1 zoned subdivisions are to each direction of the property. R-1A zoned subdivisions are to the north, east and south [See Attachment B].

LDC Considerations

The rezoning application was properly noticed in the Kearney Courier on May 14, 2015. Adjacent property owners within the statutory law mandated 1,000 foot distance were notified by means of a certified letter mailed on May 15, 2015. The petitioner should fully address the five (5) rezoning criteria in the Land Development Code (LDC) which requires the following standards be met with a rezoning application (*Section 151-3.3 F*):

1. Whether or not the proposed amendment corrects an error or inconsistency or meets the challenge of a changing condition in the area;
2. Whether or not the proposed amendment is consistent with the *Comprehensive Plan* and the stated purpose and intent of Sec. 151-1.7;
3. Whether or not the proposed zoning district as a whole allows development that is compatible with existing uses and zoning of nearby property;
4. Whether or not the county and other service providers will be able to provide adequate public facilities and services to the subject property, while maintaining adequate levels of service to existing development; and
5. Whether or not the proposed amendment would result in significant adverse impacts on other property in the vicinity of the subject tract or on the environment, including air, water, noise, storm water management, and natural resources.

Outside Agency Review

The Clay County Highway Department has noted the driveway will pass for sight distance specifications for the Manual on Uniform Traffic Control Devices (MUTCD) requirements and Clay County Highway Department standards. The road surface of Francis Road is chip and seal surfacing. The Clay County Health Department has given preliminary and final approval. The Public Water Supply District No. 6 has indicated they can provide water service for one (1) additional lot.



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The Smithville Fire Department serves this property. Future construction will need to comply with their fire protection codes. Any building plans must be submitted and approved by the fire district before a building permit may be issued, and then prior to a Certificate of Occupancy being issued a letter of compliance is required from the fire district.

Findings

Road Impact Fees (*RIF*) are required and an agreement will need to be recorded at the time of the final plat recording. The RIF's minimum fee amount due at the time of recording would be 40 percent (\$825.00) of the \$2,062.50 RIF total the remaining amount would be due before any building permit would be issued for the property.

The noted on the plat as an "Easement for Future Public Road" will need to be removed that is NOT included in the legal description or part of the proposed subdivision of Mandi Acres.

Recommendations

It is the recommendation of Staff that the request for **Rezoning** from Agricultural (AG) district to Residential Ranchette (R-5) District with an Agricultural Land Preservation (ALP) Preservation Overlay District (POD) be **approved**, subject to the petitioner addressing all rezoning standards.

Staff recommends the **Preliminary Plat** of Mandi Acres be **approved**, with the following conditions as shown on Exhibit A:

Exhibit A

1. Any future structures will need to have building plans submitted and approved by the fire district prior to a building permit being issued, and then a letter of compliance from the fire district prior to a Certificate of Occupancy being issued.
2. Road Impact Fees (RIF) agreement recorded and fees paid at the recording of the final plat.
3. The following corrections to the Final Plat:
 - a. Remove "Easement for Future Public Road"



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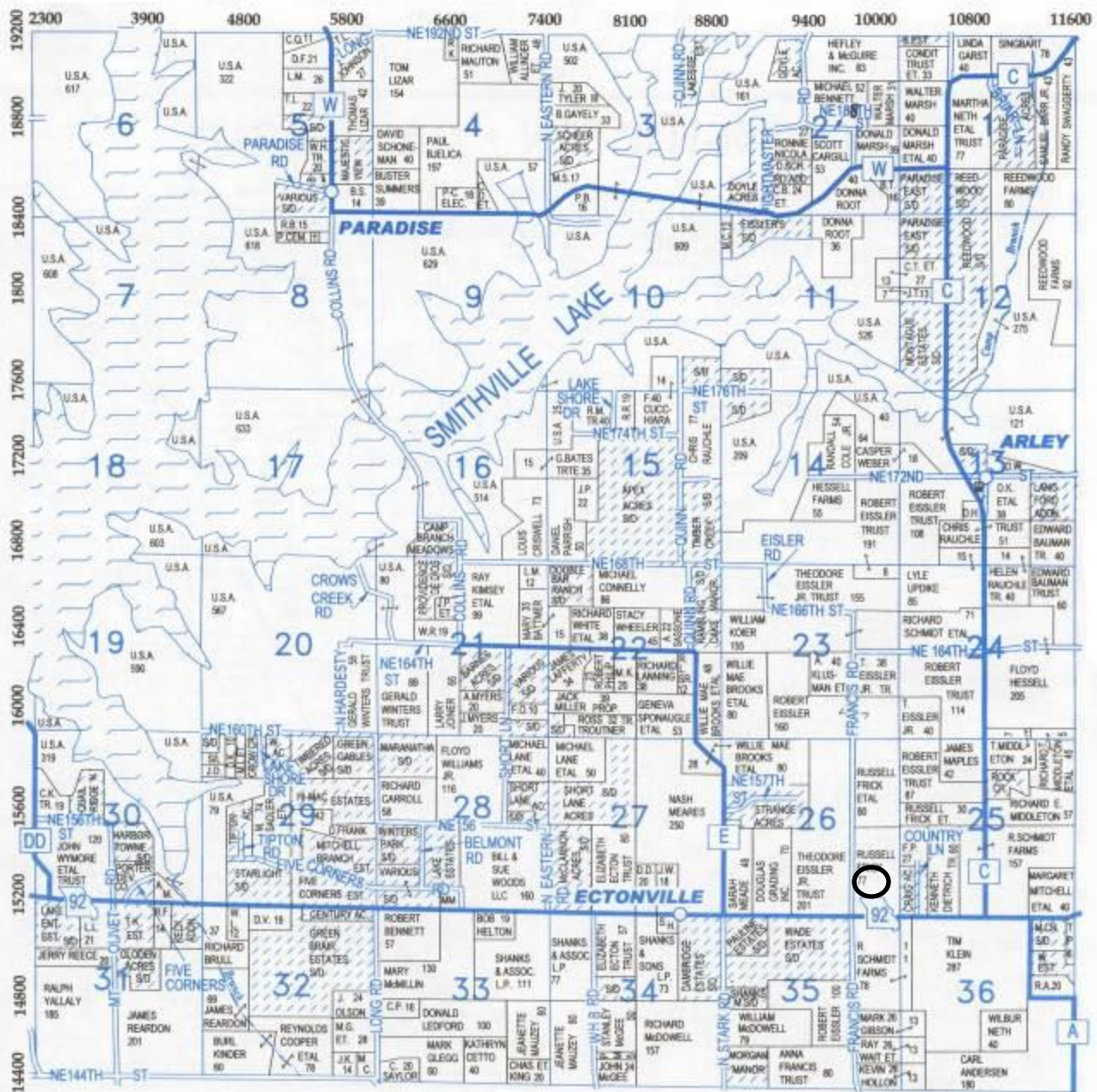
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Attachments

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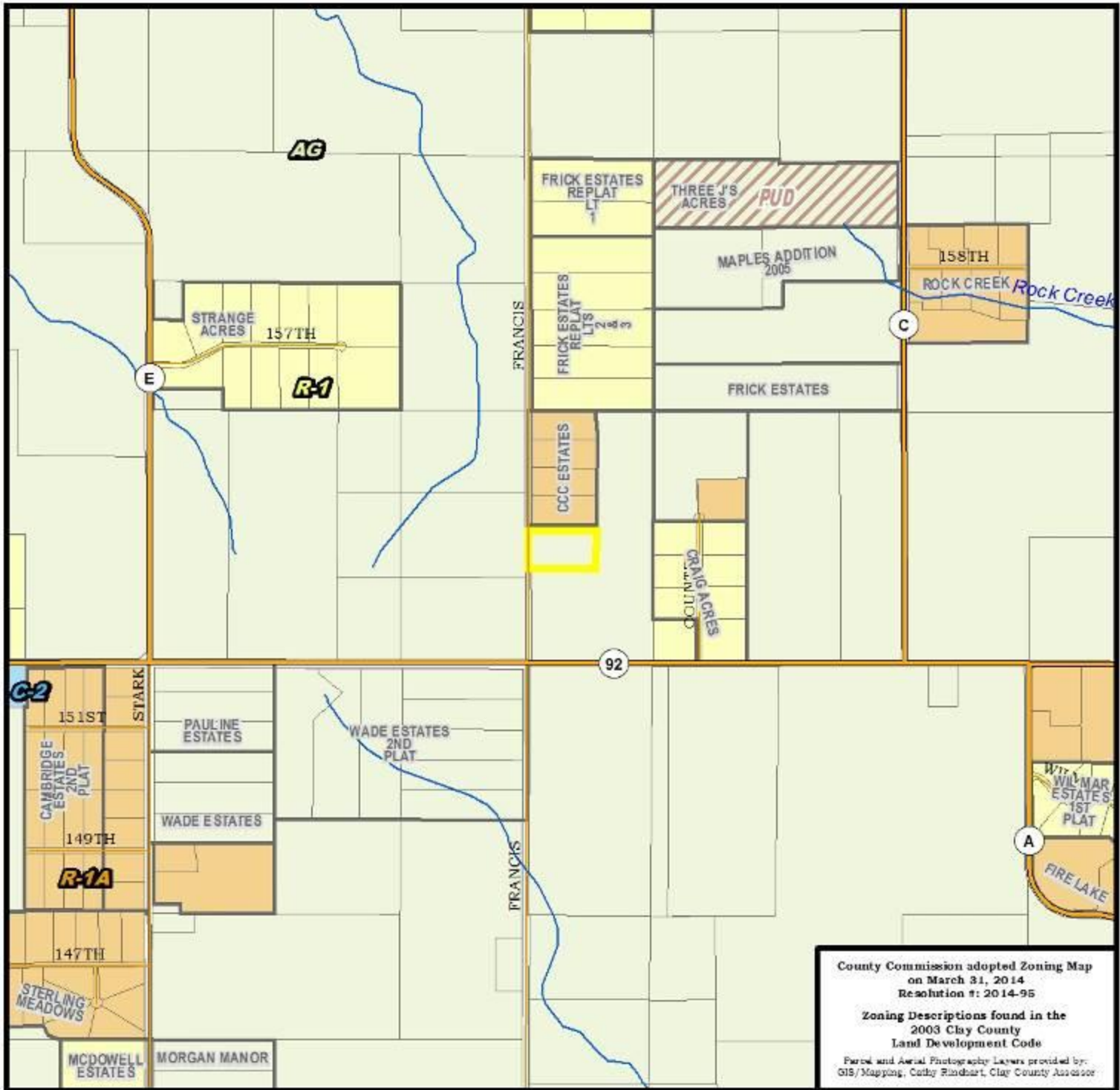
Attachment A – Vicinity Map

TOWNSHIP 53N • RANGE 32W



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Attachment B - Existing Conditions Map



Planning & Zoning Department

1 inch = 1,500 feet
1 inch = 0.28 miles

LEGEND

- Property Line
- ~ Streams (EPA)
- Railroads
- Interstates
- State Highways
- Local Roads
- Highway Ramps
- Subdivisions
- City Limits
- Parks
- County Boundaries

- Overlay Districts
- CD (Conservation District)
- POD (Preservation Overlay District)
- PLD (Planned Unit Development)

- Zoning Districts
- AG
- R-1
- R-1A/R-5
- R-1B/RU
- R-3
- C-1
- C-2
- C-3
- I-1
- I-2
- OP

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Attachment C - Site Plan Map

